

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

UNITED STATES OF AMERICA	)	
	)	Case No. 1:23-cr-039-1
v.	)	
	)	Judge Travis R. McDonough
	)	
LAFREDRICK DEON SAILS	)	Magistrate Judge Mike Dumitru
	)	

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**ORDER**

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Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant’s motion to withdraw his not guilty plea as to Count One of the two-count Indictment; (2) accept Defendant’s guilty plea to the lesser included offense of the charge in Count One of the Indictment—that is, distribution of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(C) (the “Lesser Included Offense”); (3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer until sentencing a decision on whether to accept the plea agreement (Doc. 51); and (5) find Defendant’s conditions of release should be revoked and Defendant shall remain in custody until sentencing in this matter. (Doc. 63). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru’s report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s report and recommendation (Doc. 63) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the two-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the Lesser Included Offense is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;
4. A decision on whether to accept the plea agreement (Doc. 51) is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **May 16, 2025 at 9:00 a.m.** before the undersigned.

**SO ORDERED.**

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**